

REMARKS

Claims 1 and 6-19 are pending in this application. By the Office Action, claims 1, 2-4, 5, 6, 7-9, 18, and 19 are rejected under 35 U.S.C. §103(a). Applicant cancels claims 2-5 thus rendering their rejection moot. By this Amendment, claims 1, 18, and 19 are amended. No new matter is added.

I. Rejections Under 35 U.S.C. §103

Claims 1, 6, 18, and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. '078 ("Plummer") in view of U.S. '006 ("Tachibana"). Claims 2-4 and 7-9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Plummer in view of Tachibana, and further in view of Ono. Although Applicant does not necessarily agree with the rejections, in the interest of advancing prosecution, independent claims 1, 18, and 19 are amended herein to incorporate the limitations of non-rejected claims 2-5. Accordingly, the rejections are overcome and must be withdrawn. Reconsideration and withdrawal of the rejections are respectfully requested.

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Plummer in view of Tachibana, further in view of Ono, and further in view of U.S. '945 ("van den Ven"). Applicant respectfully traverses this rejection.

The initial burden is on the examiner to establish a *prima facie* case of obviousness and to provide some suggestion of the desirability of doing what the inventor has done. *See* MPEP § 2142. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the applied reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed

combination and the reasonable expectation of success must both be found in the applied references, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The Office Action failed to meet the *prima facie* standard for obviousness as stated above. The Office Action did not establish (1) a motivation to combine the cited references or (2) that a reasonable expectation of success existed.

Without conceding the propriety of the rejections, independent claims 1, 18 and 19 are amended to more clearly recite various novel features of the claimed invention, with particular attention to the Examiner's comments. Specifically, independent claim 1 is amended to clarify that the optical member recites that "the concavities have a mean depth of 0.05 μm or more and 0.5 μm or less, and a mean distance between neighboring two of the concavities is not more than 0.5 μm , the concavities have a mean radius in a direction of plane 0.5 to 2 times the mean depth of the concavities, the mean depth of the concavities is 0.2 to 2 times the mean distance between neighboring two of the concavities, and wherein, of the optical member, a laminar portion including with the concavities has a percentage of void of 20 to 50%."

In contrast to amended claim 1, Plummer, as stated in the Office Action, teaches "a plurality of minute protrusions in a shape that is a reverse shape of the plurality of minute concavities." The instant claim 1 teaches an optical member having a plurality of minute concavities not a reverse shape of minute concavities as in Plummer. In addition, the Office Action states that Tachibana discloses an optical member formed by casting a molding resin upon a surface of a mold and by curing the molding resin. As in Plummer, Tachibana fails to teach (1) the formation of minute concavities, (2) the anti-reflective properties, and (3) the refractive properties created by the optical member of amended claim 1.

Independent claims 18 and 19 are amended to clarify that a process of producing an optical member recites that the "optical member is formed by casting a molding resin upon a surface, on which a plurality of minute protrusions of particles in a shape that is a reverse of a shape of the plurality of minute concavities are deposited, of a mold and by curing the mold resin, wherein the concavities have a mean depth of 0.05 μm or more and 0.5 μm or less, and a mean distance between neighboring two of the concavities is not more than 0.5 μm , the concavities have a mean radius in a direction of plane 0.5 to 2 times the mean depth of the concavities, the mean depth of the concavities is 0.2 to 2 times the mean distance between neighboring two of the concavities, and wherein, of the optical member, a laminar portion including with the concavities has a percentage of void of 20 to 50%."

In regard to Plummer and Tachibana as applied to claims 18 and 19, the reasoning as stated above once again applies. Claims 18 and 19, as amended, should be patentable over Plummer in view of Tachibana.

Ono and van den Ven fail to overcome the deficiencies of Plummer and Tachibana. That is, each Ono and van den Ven also fail to teach or suggest at least the formation of minute concavities, the anti-reflective properties, and the refractive properties created by the optical member, which are the subject of each of claims 1, 18, and 19. Nor do the references, alone or in combination, teach or suggest any reason that these disclosures should be incorporated into the disclosures of Plummer and Tachibana, and the resultant combination further modified so as to practice the claimed invention.

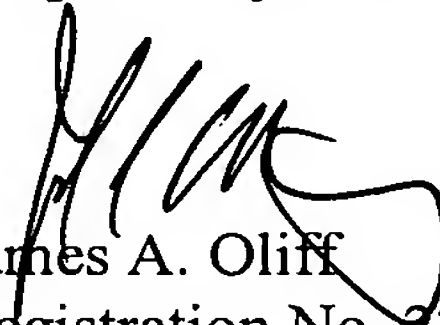
For at least these reasons, the claims would not have been rendered obvious by the cited references. Applicants respectfully submit that the claims, as amended, are patentable over the cited references. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


James A. Oliff
Registration No. 27,075

Joel S. Armstrong
Registration No. 36,430

JAO:JSA

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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